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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,634	03/31/2004	Atsuo Soma	62758-076	3831

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Washington, DC 20005-3096

EXAMINER

AGGARWAL, YOGESH K

ART UNIT	PAPER NUMBER
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2622

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/813,634	Applicant(s) SOMA ET AL.	
	Examiner Yogesh K. Aggarwal	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 9 and 10 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/31/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

Art Unit: 2622

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data.

When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory).

In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

2. Claim(s) 10 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 10 define a program, said program allowing a CPU to perform the method of claim 10. However, the claim does not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" – Guidelines Annex

Art Unit: 2622

IV). That is, the scope of the presently claimed program can range from paper on which the program is written, to a program simply contemplated and memorized by a person.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akizuki et al. (US PG-PUB # 20020008773) in view of Nishimura et al. (US PG-PUB # 20030013484).

[Claim 1]

Akizuki et al. teaches a digital still camera (figure 1) comprising: a camera lamp unit (electronic flash device 10, figures 1 and 2) for generating light for illuminating an object (Paragraphs 30, 31 and 38), a display unit (LCD Monitor 11) for displaying image information (Paragraph 27). An illumination unit for generating light illuminating said display unit would be inherently taught in order to drive the LCD and view images. A driving unit (LCD power supply 12 and trigger circuit 31) for driving said camera lamp unit (10) and said illumination unit (See explanation above for illumination unit for the LCD display) by sharing a power supply (battery 2, Paragraphs 30 and 34).

Akizuki fails to teach a mobile terminal device with a camera. However Nishimura teaches a mobile communication terminal with a camera (Paragraph 5). Nishimura teaches the advantages of this device are that it transmits image data representing the user's portrait, the

Art Unit: 2622

surrounding scenery, a brochure, a picture, a catalog, and the like, to the terminal of the user who is the other party of the communication (Paragraph 5). The mobile terminal because of its portability is also extremely useful in rugged terrain.

Therefore taking the combined teachings of Akizuki and Nishimura, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a mobile terminal device with a camera to implemented into the system of Akizuki because it offers advantages to transmit image data representing the user's portrait, the surrounding scenery, a brochure, a picture, a catalog, and the like, to the terminal of the user who is the other party of the communication and because of its portability it is extremely useful in rugged terrain.

[Claim 2]

Akizuki teaches a digital still camera (figure 1) comprising: a camera lamp unit (electronic flash device 10, figures 1 and 2) for generating light for illuminating an object (Paragraphs 30, 31 and 38), a display unit (LCD Monitor 11) for displaying image information (Paragraph 27). An illumination unit for generating light illuminating said display unit would be inherently taught in order to drive the LCD and view images. A driving unit (LCD power supply 12 and trigger circuit 31) for driving said camera lamp unit (10, paragraph 27) and said illumination unit (See explanation above for illumination unit for the LCD display) wherein illumination with said camera lamp unit and illumination with said illumination unit are controlled respectively (system controller 4 controls the LCD power supply circuit 12 and supplies control signals to electronic flash device 10, paragraph 27).

Akizuki fails to teach a mobile terminal device with a camera. However Nishimura teaches a mobile communication terminal with a camera (Paragraph 5). Nishimura

Art Unit: 2622

teaches the advantages of this device are that it transmits image data representing the user's portrait, the surrounding scenery, a brochure, a picture, a catalog, and the like, to the terminal of the user who is the other party of the communication (Paragraph 5). The mobile terminal because of its portability is also extremely useful in rugged terrain.

Therefore taking the combined teachings of Akizuki and Nishimura, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a mobile terminal device with a camera to implemented into the system of Akizuki because it offers advantages to transmit image data representing the user's portrait, the surrounding scenery, a brochure, a picture, a catalog, and the like, to the terminal of the user who is the other party of the communication and because of its portability it is extremely useful in rugged terrain.

[Claim 3]

Akizuki et al. teaches a digital still camera (figure 1) comprising: a camera lamp unit (electronic flash device 10, figures 1 and 2) for generating light for illuminating an object (Paragraphs 30, 31 and 38), a display unit (LCD Monitor 11) for displaying image information (Paragraph 27). An illumination unit for generating light illuminating said display unit would be inherently taught in order to drive the LCD and view images. A driving unit (LCD power supply 12 and trigger circuit 31) for driving said camera lamp unit (10) and said illumination unit (See explanation above for illumination unit for the LCD display) by sharing a power supply (battery 2, Paragraphs 30 and 34) and for respectively changing respective driving states of said camera lamp unit and said illumination unit (Paragraphs 31 and 36), and a control unit (system controller 4) for controlling said display unit (11) and said driving unit (12 and 31, Paragraphs 31 and 36); wherein driving power for said illumination unit is decreased when driving power for said

Art Unit: 2622

camera lamp unit (10) is increased (Paragraphs 36 and figures 4 and 5 teach that in standby state power is supplied to LCD. Paragraph 37 teaches that when shutter button is pressed power is stopped to the LCD 11 and the electronic flash device emits light).

Akizuki fails to teach a mobile terminal device with a camera. However Nishimura teaches a mobile communication terminal with a camera (Paragraph 5). Nishimura teaches the advantages of this device are that it transmits image data representing the user's portrait, the surrounding scenery, a brochure, a picture, a catalog, and the like, to the terminal of the user who is the other party of the communication (Paragraph 5). The mobile terminal because of its portability is also extremely useful in rugged terrain.

Therefore taking the combined teachings of Akizuki and Nishimura, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a mobile terminal device with a camera to implemented into the system of Akizuki because it offers advantages to transmit image data representing the user's portrait, the surrounding scenery, a brochure, a picture, a catalog, and the like, to the terminal of the user who is the other party of the communication and because of its portability it is extremely useful in rugged terrain.

[Claim 7]

Akizuki teaches wherein when said camera lamp unit generates light, said driving unit reduces the driving current for said illumination unit to a level to zero (Paragraphs 36-38, figures 4 and 5 teaches that LCD is off while flash is ON. Therefore driving current to the illumination unit is zero while flash generates light).

[Claim 9]

Art Unit: 2622

Akizuki teaches a method for controlling illumination of a camera at time of photographing, comprising a first step in which, while a device mode is brought into a photographing mode, a driving current value of an illumination unit for illuminating a display unit is reduced to zero so as to decrease intensity of generating light, whereas a driving current value of a camera light unit for illuminating an object is increased so as to increase intensity of generating light (Paragraphs 36-38, figures 4 and 5 teaches that LCD is off while flash is made ON during photographing. Therefore driving current to the illumination unit is zero while driving current to flash is increased compared to steady state); and a second step in which after the object is photographed, completion of the photographing is detected, the respective driving current values of said camera lamp unit and said illumination unit are returned to levels before the photographing so as to return the intensity of the generated light to the original levels (Paragraph 36 teaches the initial stand-by state before photographing and Paragraph 44 teaches the state after the photographing is finished at point h, a stand by state is maintained. It is noted that since both are standby states the respective driving current values of said camera lamp unit and said illumination unit are returned to levels before the photographing so as to return the intensity of the generated light to the original levels).

Akizuki fails to teach a mobile terminal device with a camera. However Nishimura teaches a mobile communication terminal with a camera (Paragraph 5). Nishimura teaches the advantages of this device are that it transmits image data representing the user's portrait, the surrounding scenery, a brochure, a picture, a catalog, and the like, to the terminal of the user who is the other party of the communication (Paragraph 5). The mobile terminal because of its portability is also extremely useful in rugged terrain.

Art Unit: 2622

Therefore taking the combined teachings of Akizuki and Nishimura, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a mobile terminal device with a camera to implemented into the system of Akizuki because it offers advantages to transmit image data representing the user's portrait, the surrounding scenery, a brochure, a picture, a catalog, and the like, to the terminal of the user who is the other party of the communication and because of its portability it is extremely useful in rugged terrain.

[Claim 10]

This is a program claim corresponding to method claim 9. Therefore it has been analyzed and rejected based upon claim 9.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akizuki et al. (US PG-PUB # 20020008773), Nishimura et al. (US PG-PUB # 20030013484) and further in view of Ide et al. (US Patent # 6,771,309).

[Claim 5]

Akizuki in view of Nishimura fails to teach wherein said driving unit is enclosed in one package. However Ide teaches a camera controller 30 that has a microcomputer 34 and CMOS analog circuit 32 integrated as one chip IC on a single semiconductor substrate 35 by a CMOS process (col. 5 lines 1-5, figure 3). The LCD 72 is driven by a LCD driver 44 to perform various display operations (col. 5 lines 30-31) and a flash circuit 76 is controlled by the microcomputer 34 (col. 5 lines 33-34). Therefore taking the combined teachings of Akizuki, Nishimura and Ide, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a driving circuit used to drive a flash drive and LCD in one package in order to have a smaller size

Art Unit: 2622

for the overall circuit thereby decreasing the overall size of the camera making it extremely easy to carry.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akizuki et al. (US PG-PUB # 20020008773), Nishimura et al. (US PG-PUB # 20030013484) and further in view of Miyazaki et al. (US Patent # 5,227,831).

[Claim 6]

Akizuki in view of Nishimura fails to teach wherein light of each of said camera lamp unit and illumination unit is generated by an LED. However Miyazaki teaches an electrical system arranged in the finder unit 270 includes the intra-finder display LCD 271 for performing a display in the finder (col. 8 lines 15-22, figure 2a), the back-light LED 272 for illuminating the intra-finder display LCD 271 and an auxiliary-light LED 212 originally aims at assisting a auto-focusing operation in a low-luminance state (col. 15 lines 51-53, figure 2a). Therefore taking the combined teachings of Akizuki, Nishimura and Miyazaki, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have wherein light of each of said camera lamp unit and illumination unit is generated by an LED in order to have less power consumed and smaller size and overall weight of the camera since LEDs are extremely light and consume less power thereby making the whole device extremely light and portable.

Allowable Subject Matter

7. Claim 4 is allowed. The prior art fails to teach or suggest A mobile terminal device with a camera comprising: “a control unit for detecting whether light of said camera lamp unit is in an ON state or OFF state and controlling said driving unit based on a result of the detection; wherein when the light from said camera lamp unit is in the ON state, said control unit controls

Art Unit: 2622

said driving unit during photographing operation so that intensity of the light from said illumination unit may be decreased and intensity of the light from said camera lamp unit may be increased”.

8. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art fails to teach or suggest “... wherein when said driving unit increases a driving current for said camera lamp unit so as to increase light thereof and as decreases a driving current for said illumination unit so as to decrease light therefor, an increase of said driving current or driving power for said camera lamp unit is made substantially equal to a decrease of said driving current or driving power for said illumination unit”.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

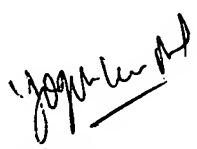
9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571)-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YKA

October 14, 2007

A handwritten signature in black ink, appearing to be "YKA", is written over the typed name and date.